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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,884

03/12/2004

Viswanathan Srinivasan

P24615

4898

7055 7590 05/29/2009
GREENBLUM & BERNSTEIN, P.L.C.
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EXAMINER

SASAN, ARADHANA

ART UNIT

PAPER NUMBER

1615

NOTIFICATION DATE

DELIVERY MODE

05/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: VISWANATHAN SRINIVASAN, RALPH BROWN,
DAVID BROWN, HIMANSHU PATEL, JUAN MENENDEZ and
VENKATESH BALASUBRAMANIAN

Application No. 10/798,884
Technology Center 1600

Mailed: May 29, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 27, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

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application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER,
INCONSISTENCIES WITH THE BRIEF AND
LAST REJECTION OF RECORD

A review of the file finds inconsistencies between the Final Rejection mailed October 19, 2007, corresponding Status of Claims section in the Appeal Brief filed October 20, 2008 and the Examiner's Answer mailed January 23, 2009 as set forth below.

Final Rejection

A review of the Final Rejection mailed on October 19, 2007, finds the following status of the claims: claims cancelled: 22, 53-63, 69, 79, 88-91, 97-98, claims allowed: NONE, claims rejected: 1-21, 23-52, 72-78, 80-87, 92-96 and 99-116, claims withdrawn: 64-68, 70 and 71.

A further review of the file finds claim 48 was never discussed in the Final Rejection mailed October 19, 2007.

Appeal Brief

A review of the Appeal Brief filed on October 20, 2008, finds that claims 1-21, 23-52, 72-78, 80-87, 92-96 and 99-116 are on appeal.

Examiner's Answer

A review of the Examiner's Answer mailed on January 23, 2009, finds that the status of claim 48 is unclear as compared to the section titled, "Status of Application" (page 2) of the Final Rejection and the Appeal Brief's Status of Claims section.

Specifically, a review of the file finds that claim 48 was never discussed in the Examiner's Answer.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) review the above inconsistencies to determine how to clarify the record;
- 2) vacate the Examiner's Answer mailed on January 23, 2009,
- 3) issue a corrected Examiner's Answer to clarify the status of claim 48 and to correct other sections of the Answer as may be required;
- 4) include the necessary approval from the TC Director or designee in accordance with MPEP 1207.05, part (B) as may be required for any new grounds of rejection; and
- 5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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